

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
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6 Facsimile: (916) 324-5567

7 Attorneys for Complainant

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-224

13 CRAIG DONAHUE SMART  
7231 Boulder Avenue  
14 Box 144  
Highland, CA 92346

**A C C U S A T I O N**

15 Registered Nurse License No. 574240

16 Respondent.  
17

18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
22 ("Board"), Department of Consumer Affairs.

23 2. On or about November 17, 2000, the Board issued Registered Nurse  
24 License Number 574240 to Craig Donahue Smart ("Respondent"). Respondent's registered  
25 nurse license was in full force and effect all times relevant to the charges brought herein and will  
26 expire on May 31, 2008, unless renewed.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Disciplinary Actions by the Boards of Nursing for the States of**  
3 **Florida, Georgia, New Jersey, and Michigan)**

4 7. Respondent is subject to disciplinary action pursuant to Code section  
5 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that he was disciplined by  
6 the State of Florida Board of Nursing (hereinafter "Florida Board"), the Georgia Board of  
7 Nursing (hereinafter "Georgia Board"), the New Jersey State Board of Nursing (hereinafter "New  
8 Jersey Board"), and the Michigan Board of Nursing (hereinafter "Michigan Board"), as follows:

9 a. On or about December 1, 2000, pursuant to the Final Order in the  
10 disciplinary proceeding titled *Department of Health vs. Craig D. Smart*, Case No. 99-62952, the  
11 Florida Board accepted the Voluntary Relinquishment of License signed by Respondent and  
12 notarized on August 21, 2000, wherein Respondent voluntarily relinquished his license to  
13 practice as a registered nurse ("RN") in the State of Florida. The disciplinary proceeding was  
14 based on a complaint the Florida Board received from the Florida Intervention Project for Nurses  
15 (hereinafter "Intervention Project") alleging that Respondent had tested positive for the  
16 controlled substance cocaine during a pre employment drug screen on December 28, 1998, for  
17 Orlando Regional Healthcare System.<sup>1</sup> A true and correct copy of the Final Order is attached  
18 hereto as Exhibit A and incorporated herein by reference.

19 b. On or about January 30, 2001, pursuant to the Consent Order in the  
20 disciplinary proceeding titled *In the Matter of: Craig D. Smart, License No. R116249*, Docket  
21 No. 2000-802, the Georgia Board suspended Respondent's license to practice as a registered  
22 professional nurse in the State of Georgia for a period of one year. However, the enforcement of  
23 the suspension was withheld and Respondent's license was placed on probation for a period of  
24 four years subject to conditions. The disciplinary proceeding was based on the complaint by the  
25 Intervention Project and on documentation the Georgia Board received from the Intervention  
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27 1. According to the Investigative Report attached to the Final Order, the complaint was investigated between  
28 January 7, 2000, and January 28, 2000. Respondent was notified of the investigation by letter dated January 13,  
2000.

1 Project reflecting that Respondent had received treatment for chemical dependence at Baptist St.  
2 Vincent's Health System, was admitted to the Intervention Project on March 18, 1999, with a  
3 primary diagnosis of cocaine abuse, rule out dependency, and was dismissed from the  
4 Intervention Project for failure to comply with his advocacy contract. On or about March 20,  
5 2002, Respondent entered into an Amended Consent Order with the Georgia Board wherein he  
6 agreed that his registered professional nurse license would be suspended until such time as he  
7 personally appeared before the Board at its May 2002 meeting. Respondent also agreed to  
8 present documentation at the meeting of continuous, successful participation in a structured  
9 aftercare program and documentation of at least two random drug screens performed during each  
10 month of the period of suspension. The Amended Consent Order was based on Respondent's  
11 failure to comply with the terms of his original Consent Order. On or about May 23, 2003,  
12 pursuant to the Voluntary Surrender signed by Respondent on May 15, 2003, the Georgia Board  
13 accepted Respondent's voluntary surrender of his registered professional nurse license. The  
14 Voluntary Surrender was based on Respondent's violations of the Amended Consent Order.  
15 True and correct copies of the Consent Order, Amended Consent Order, and Voluntary Surrender  
16 are attached hereto as Exhibit B and incorporated herein by reference.

17 c. On or about November 21, 2006, pursuant to the Final Order of Discipline  
18 in the disciplinary proceeding titled *In the Matter of the Suspension or Revocation of the*  
19 *Certification of Craig Smart, R.N., etc.*, the New Jersey Board suspended Respondent's license to  
20 practice as a nurse in the State of New Jersey.<sup>2</sup> The disciplinary proceeding was based on the  
21 Voluntary Surrender referenced in subparagraph (b) above. A true and correct copy of the Final  
22 Order of Discipline is attached hereto as Exhibit C and incorporated herein by reference.

23 d. On or about August 16, 2004, pursuant to the Order of Summary  
24 Suspension in the disciplinary proceeding titled *In the Matter of Craig Donahue Smart, R.N.,*  
25 *etc.*, File Number 47-04-94343, the Michigan Department of Community Health summarily  
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27 2. The New Jersey Board further ordered that Respondent may have his license reinstated at such time as his  
28 license is reinstated in Georgia with no restrictions and he can demonstrate before a Committee of the Board that  
he is fit and competent to reenter nursing practices.

1 suspended Respondent's license to practice as an RN in the State of Michigan. On or about  
2 December 1, 2004, the Michigan Board issued a Final Order suspending Respondent's RN  
3 license for a minimum period of six months and one day for Respondent's violations of sections  
4 16221(a) (conduct, practice, or condition which impairs, or may impair, the ability to safely and  
5 skillfully practice the health profession), 16221(b)(ii) (substance abuse), 16221(b)(iii) (mental or  
6 physical inability reasonably related to and adversely affecting the licensee's ability to practice in  
7 a safe and competent manner), 16221(b)(vi) (lack of good moral character), 16221(b)(x)  
8 (disciplinary actions by the States of Georgia and Massachusetts), 16221(c)(i) (fraud or deceit in  
9 obtaining or renewing a license or registration), and 16221(i) (failure to notify Complainant of  
10 the disciplinary actions in the States of Georgia and Massachusetts). True and correct copies of  
11 the Order of Summary Suspension and Final Order are attached hereto as Exhibit D and  
12 incorporated herein by reference.

#### 13 **SECOND CAUSE FOR DISCIPLINE**

##### 14 **(Obtaining License by Fraud or Misrepresentation)**

15 8. Complainant incorporates by reference as though fully set forth herein the  
16 allegations contained in subparagraph 7 (a) above.

17 9. On or about June 15, 2000, Respondent submitted an Application for RN  
18 Licensure by Endorsement (hereinafter "application") to the Board. The application states, in  
19 part, as follows:

20 I understand that I am required to report immediately to the California  
21 Board of Registered Nursing if I am convicted of ANY offense that occurs  
22 between the date of this application and the date that a California registered  
23 license is issued. I am also required to report to the California Board of  
24 Registered Nursing any disciplinary action and/or voluntary surrender against  
25 ANY health-care related license/certificate that occurs between the date of this  
26 application and the date that a California registered nurse license is issued. I  
27 understand that failure to do so may result in denial of this application or  
28 subsequent disciplinary action against my license/certificate.

25 10. On May 30, 2000, Respondent certified *under penalty of perjury* that all  
26 information provided in connection with the application was true, correct, and complete and that  
27 providing false information or omitting required information is grounds for denial of licensure or  
28 license revocation in California.

1 11. Respondent is subject to disciplinary action pursuant to Code section  
2 2761, subdivision (b), in that he procured RN License Number 574240 by fraud,  
3 misrepresentation, or mistake, as follows:

4 a. On and between August 21, 2000, and November 17, 2000 (the date  
5 Respondent's California RN License was issued), Respondent failed to report to the Board the  
6 Florida Board's disciplinary action against him and the voluntary relinquishment or surrender of  
7 his license to practice as a registered nurse in the State of Florida.

8 b. On or about May 30, 2000, Respondent omitted required information on  
9 his application<sup>3</sup> by failing to disclose on the application that he was licensed as an RN in the  
10 State of Florida (Respondent was issued Florida License Number 3237972 on December 24,  
11 1997).

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(False Statement on Respondent's Application)**

14 12. Complainant incorporates by reference as though fully set forth herein the  
15 allegations contained in subparagraph 7 (a) and paragraphs 9 through 11 above.

16 13. Respondent is subject to disciplinary action pursuant to Code section  
17 2761, subdivision (b), in that he made or gave a false statement or information in connection with  
18 his application, as follows: On or about May 30, 2000, Respondent certified in his response to  
19 question 12 on the application that he was licensed to practice registered nursing in the State of  
20 George, but intentionally concealed the fact that he was also licensed as an RN in the State of  
21 Florida.

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27 3. Question 12 on the application required Respondent to list his current license(s) to practice registered  
28 nursing; Respondent's response was "Ga". Question 15 stated: "List all states where you have ever held an RN  
license . . . " Respondent did not provide a response.

1 PRAYER


2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 574240, issued  
5 to Craig Donahue Smart;

6 2. Ordering Craig Donahue Smart to pay the Board of Registered Nursing the  
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
8 Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 1/23/08.

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13 RUTH ANN TERRY, M.P.H., R.N.  
14 Executive Officer  
15 Board of Registered Nursing  
16 Department of Consumer Affairs  
17 State of California

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**EXHIBIT A**

**Final Order Issued by Florida Board of Nursing**



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**EXHIBIT B**

**Consent Order, Amended Consent Order, and  
Voluntary Surrender Issued by Georgia Board of Nursing**

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**EXHIBIT C**

**Final Order of Discipline Issued by the New Jersey State Board of Nursing**

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**EXHIBIT D**

**Order of Summary Suspension Issued by Michigan Department of  
Community Health and Final Order Issued by Michigan Board of Nursing**

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CALIF.  
BOARD OF REG.

**EXHIBIT A**

**Final Order Issued by Florida Board of Nursing**



Charlie Crist  
Governor

Ana M. Viamonte Ros, M.D., M.P.H.  
State Surgeon General

October 1, 2007

California Board of Nursing  
Attention: Wendy Garske  
PO Box 944210  
Sacramento, CA 94244-2100

RE: Craig Smart, RN3237972

Dear Ms. Garske:

The Central Records Unit, Division of Medical Quality Assurance has received your request for public information regarding the above-referenced individual. We have enclosed *certified* copies of the requested information.

The mission of the Division of Medical Quality Assurance is to protect the public through healthcare licensure, enforcement and information. If you have any questions, please call me at (850) 245-4121.

Sincerely,

*Kellee Davidson*

Kellee Davidson  
Deputy Agency Clerk

Enclosure

CERTIFICATION


I, **Kellee Davidson**, Deputy Agency Clerk and Custodian of Records, HEREBY certify the following to be true and correct as on file with the Department of Health.

Attached is a true and correct copy of a Final Order from Case Number **99-62952** as maintained by the Department of Health. The attached is a regularly received and retained record of the **Board of Nursing vs. Craig Smart**, and is received and retained in the ordinary course of business of the Department of Health.



Kellee Davidson  
Deputy Agency Clerk


Personally appeared before me, the undersigned authority, **Kellee Davidson**, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, who being sworn, says that this is a true and correct copy from the official file of the Department of Health.

  
Kellee Davidson  
Deputy Agency Clerk

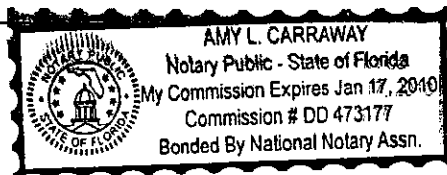
STATE OF FLORIDA  
COUNTY OF LEON

Before me, personally appeared Kellee Davidson, whose identity is personally known to me as Deputy Agency Clerk, and who, acknowledges that his/her signature appears above.

Sworn and subscribed to, before me, this 1<sup>st</sup> day of **October 2007**.

  
Notary Public-State of Florida

Type or Print Name



Final Order No. DOH-CO-2279-5-MOA  
FILED DATE 12/1/00  
Department of Health  
By: [Signature]  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF NURSING

MTM

DEPARTMENT OF HEALTH,  
Petitioner,

vs.

Case No.: 99-62952

CRAIG D. SMART,  
Respondent.

FINAL ORDER

This cause came before the Board of Nursing at a duly-noticed public meeting on October 12, 2000, in Ft. Lauderdale, FL for final agency action.

Respondent, CRAIG D. SMART, holds Florida license number 3237972 as a Registered Nurse. Upon receipt of a uniform complaint, Petitioner initiated an investigation to determine if disciplinary action against the license of Respondent was warranted.

In order to avoid further administrative proceedings, the Respondent has submitted a Voluntary Relinquishment of License which is attached to and made a part of this Final Order.

The Board, upon review of the complaint and the investigative file supplied by the prosecuting attorney, accepts as its findings of fact the facts alleged in the complaint and the facts in the investigative file.

The foregoing facts constitute a violation of 464.018(1) (i)-(j), Florida Statute, and , Florida Administrative Code, for which the Board may impose discipline pursuant to Section 464.018(2), Florida Statutes.

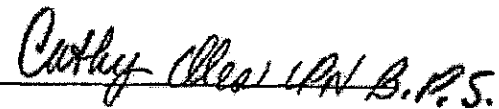
The Board has considered Respondent's Voluntary Relinquishment and concludes it is appropriate. It is therefore ORDERED that the voluntary relinquishment of the license of CRAIG D. SMART is accepted.



This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 16th day of October, 2000.

BOARD OF NURSING



CATHY ANN OLES, LPN, B.P.S.

Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail to CRAIG D. SMART, 2618 Batten Hill Road Blackshear, GA 31516 and 319 Oak Street, Neptune Beach, FL 32266 and by interoffice mail to Reginald D. Dixon, Agency for Health Care Administration, P.O. Box 14229 Monroe Street, Tallahassee FL 32317-4229, this \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_

DEPARTMENT OF HEALTH  
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NUMBER

99-62952

LICENSE NUMBER

RN 3237972

CRAIG D. SMART,

Respondent.

**VOLUNTARY RELINQUISHMENT OF LICENSE**

To avoid the necessity of further administrative proceedings in this case, the Respondent herein files this Voluntary Relinquishment of his/her license to practice as a Registered Nurse in the State of Florida, as discipline, with the understanding that the Respondent will not reapply for licensure as a nurse in the State of Florida for a period of three years.

The Respondent authorizes the Board to review and examine all materials contained in the investigative file prior to or in conjunction with consideration of this relinquishment.

Should this relinquishment be rejected by the Board, it is agreed that presentation of this matter and materials to the Board shall not prejudice the Board or any of its members from further participation, consideration, or resolution of any further proceedings herein.

Upon the Board's adoption of this Voluntary Relinquishment, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the relinquishment and the Final Order of the Board incorporating the Relinquishment. Further, the parties hereby agree that each party will bear their own attorney's fees and costs resulting from prosecution or defense of this matter.

DATED this 21 day of Aug, year of 2000.

[Signature]  
Respondent

STATE OF Minnesota

COUNTY OF Hennepin



Before me, personally appeared Craig Smart, whose identity is known to me  
by Georgia Drivers Lic (type of identification) and who acknowledges that her  
signature appears above. Sworn to or affirmed by Respondent before me this 21 day of

Aug., year of 2000.

01-31-05

My Commission Expires

NOTARY PUBLIC - STATE OF Minnesota

Christina Ann Berenberg

Type or Print Notary

Christina Ann Berenberg



FILED  
00 SEP -1 PM 1:37



STATE OF FLORIDA

**AGENCY FOR HEALTH CARE ADMINISTRATION**

INVESTIGATIVE SERVICES

**INVESTIGATIVE REPORT**

Office: Area IV, Jacksonville		Date of Complaint: 12/27/1999		Case Number: RN 1999-62952	
Subject: <b>CRAIG D. SMART</b> *319 Oak Street Neptune Beach, Florida 32266 [REDACTED]			Source: <b>INTERVENTION PROJECT FOR NURSES</b> P.O. Box 49130 Jacksonville Beach, Florida 32240 (904)270-1620		
Prefix: RN	License #: 3237972	Profession: Registered Nurse	Board: Nursing	Report Date: 01/28/2000	
Period of Investigation: 01/07/2000-01/28/2000			Type of Report: FINAL		
Alleged Violation: F.S.464.018(1)(I)(J)Engaging or attempting to engage in the possession, sale, or distribution of controlled substances.....Being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals.....					
<p>Synopsis:</p> <p>This investigation is predicated upon receipt of a complaint (U.C.F and attachments, Exhibit #1), submitted by VICKI FITZPATRICK, case manager, with INTERVENTION PROJECT FOR NURSES in regard to SMART alleging that on 12/28/1998, during a pre employment drug screen for Orlando Regional Healthcare System, SMART tested positive for a controlled substance; cocaine.</p> <p>SMART was notified of the investigation by letter dated 01/13/2000 and was provided with a copy of the UCF and originating documents (Exhibit #2).</p> <p>A check of AHCA computer licensure records revealed SMART is currently licensed as a Registered Nurse in the State of Florida (Exhibit #3) original date of licensure 12/24/1997. He is also licensed in the State of Georgia, license #116249. Original date of licensure 04/22/1994.</p> <p><b>SMART is not known to be represented by an attorney in this matter.</b></p> <p>* Address of licensure current address: 2618 Batten Hill Road Blackshear, GA 31516 Phone: (912)449-2529</p> <p style="text-align: right;"><b>CONTINUED...</b></p>					
Related Case:					
Investigator/Date:  Brenda R. Burkhalter (JI-80)			Approved By/Date:  Stephen M. Chaney (JI-49) 01/28/2000		
Distribution: HQ/ISU					

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**EXHIBIT B**

**Consent Order, Amended Consent Order, and  
Voluntary Surrender Issued by Georgia Board of Nursing**



## Secretary of State

Professional Licensing Boards Division  
237 Coliseum Drive  
Macon, Georgia 31217-3858  
(478) 207-2440

**Karen Handel**  
SECRETARY OF STATE  
[www.sos.state.ga.us](http://www.sos.state.ga.us)

**Donald Munday**  
ACTING DIVISION DIRECTOR  
Professional Licensing Boards Division

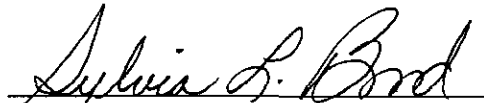
June 5, 2007

Consumer Affairs  
Attn: Shannon Borton  
California Board of Nursing  
PO Box 944210  
Sacramento CA 94244-2100

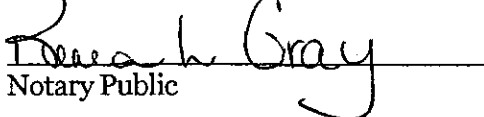
**Re: Craig D. Smart**  
**GA. LIC. #RN116249 Status: Surrendered**

I, Sylvia L. Bond, Custodian of Record do certify that the enclosed copies (Consent Order, docket date January 30, 2001, Amended Consent Order, docket date March 20, 2002, and Voluntary Surrender, docket date May 23, 2003) are the true and correct copies of the originals on file for Craig D. Smart at the Georgia Board of Nursing.

This 5<sup>th</sup> day of June, 2007.

  
Sylvia L. Bond, RN, MSN, MBA  
Executive Direction  
Georgia Board of Nursing

Sworn and subscribed to me this  
5<sup>th</sup> day of June, 2007.

  
Rachel Gray  
Notary Public

**Notary Public, Houston County, Georgia**  
**My Commission Expires Aug. 31, 2010**

**SECRETARY OF STATE***Karen Handel**advancing the e-government revolution*

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- ▶ CORPORATIONS
- ▶ ELECTIONS
- ▶ PROFESSIONAL LICENSURE
- ▶ SECURITIES
- ▶ STATE CAPITOL

**Licensee Information**

**Name:** Craig D Smart  
**Address:** 29537 Crest View Lane  
Highland CA 92346-7714

**License Information**

**Profession:** Registered Professional Nurse  
**License No:** RN116249  
**License Status:** Surrendered  
**License Type:** Registered Professional Nurse  
**Obtained By Method:** Examination  
**From State/Prov:**  
**Issue Date:** 4/22/1994  
**Expiration Date:** 1/31/2003

**Discipline Information****- Public Board Order Exists -**

Public Board Order means that there is a public document concerning the licensee. The existence of a Board order does not necessarily mean the licensee was sanctioned by the Board or that the licensee, if sanctioned, is currently under any type of disciplinary action.

If there is a document link below, please click on the link.  
If there is no document link, please contact the Board to obtain a copy of the public board order.

No scanned public board order documents exist.

**Associated Licenses**

**Relationship:** Reinstated License  
**Prerequisite Licensee:** Craig D Smart **Prerequisite License:** RN116249  
**Association Date:** **Expiration Date:**  
**Dependant Licensee:** Craig D Smart **Dependant License:**

**You may close this window to return to your search results**

Data current as of: June 5, 2007 11:28:51

BEFORE THE GEORGIA BOARD OF NURSING

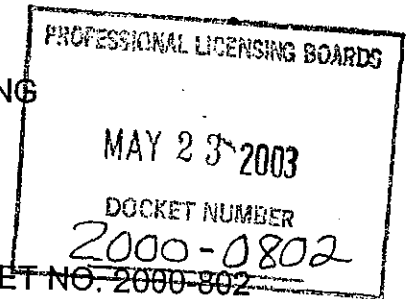
IN THE MATTER OF:

CRAIG D. SMART,  
License No. R116249,

Respondent.

\*  
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BOARD DOCKET NO. 2000-802



VOLUNTARY SURRENDER

1.

On or about January 30, 2001, the Respondent entered into a Consent Order with the Board as a result of his use of cocaine and subsequent failure to comply with his drug treatment aftercare contract. The Consent Order placed his license on probation for a period of four years subject to terms and conditions specified therein.

2.

On or about March 20, 2002, the Respondent entered into an Amended Consent Order as a result of his failure to comply with the terms of his original Consent Order. The Amended Consent Order contained sanctions which included but were not limited to the following:

(a) That the Respondent's license shall be suspended until such time as the Respondent shall appear personally before the Board at its May 2002 meeting and present documentation of continuous, successful participation in a structured aftercare program and documentation of at least two random drug screens performed during each month of the period of suspension; and

(b) That upon presentation of the documentation referenced in paragraph (a), above, the Respondent's license shall be restored and placed on probation until January 30, 2006.



3.

The Respondent has failed to participate successfully in a structured aftercare program, has failed to submit to at least two random drug screens during each month of the period of suspension, and has failed to appear before the Board at its May 2002 meeting, in violation of his Amended Consent Order.

4.

The Respondent has expressed a desire to surrender his license to practice as a registered professional nurse in the State of Georgia, in lieu of the Board's initiation of further disciplinary proceedings against him.

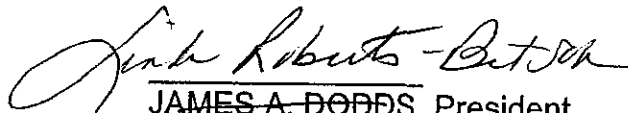
5.

Therefore, the Respondent hereby surrenders his license to practice as a registered professional nurse in the State of Georgia and the Board hereby accepts such surrender, which surrender shall have the same effect as a revocation of the license, shall be considered to be a public record evidencing action by the Board, and shall become effective immediately upon acceptance thereof by the Board and docketing by the Division Director, Professional Licensing Board Division.

This 15<sup>th</sup> day of May, 2002.

GEORGIA BOARD OF NURSING

BY:

  
JAMES A. DODDS, President  
LINDA Roberts - Betts

(BOARD SEAL)

ATTEST:

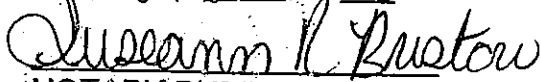
  
MOLLIE L. FLEEMAN  
Division Director

(Signatures continued on next page)



CRAIG D. SMART  
Respondent

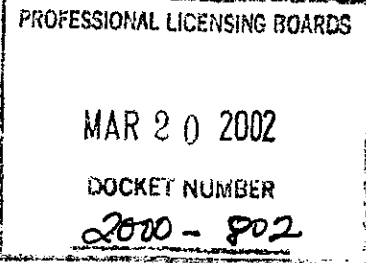
Sworn to and subscribed  
before me this 7<sup>th</sup> day  
of June, 2002.



NOTARY PUBLIC

My commission expires

**Notary Public, Cobb County, Georgia**  
**My Commission Expires October 4, 2004**



## BEFORE THE GEORGIA BOARD OF NURSING

IN THE MATTER OF:

CRAIG D. SMART  
License No. R116249,

Respondent.

\*  
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FILE NO. 64EB-CA-1015977AMENDED CONSENT ORDER

By agreement of the Georgia Board of Nursing and Craig D. Smart, Respondent, the following disposition of this disciplinary matter replaces and supercedes a prior disposition entered January 30, 2001, and is entered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A § 50-13-13(a)(4), as amended.

FINDINGS OF FACT

1.

The Respondent is licensed to practice nursing as a registered professional nurse in the State of Georgia, and was so licensed at all times relevant the matters stated herein.

2.

On or about January 30, 2001, the Respondent entered into a Consent Order with the Board as a result of his use of cocaine and subsequent failure to comply with his drug treatment aftercare contract. The Consent Order provided for a probationary period of four years subject to terms and conditions including, but not limited to, the following:

- (a) That the Respondent shall participate in a structured aftercare program for chemical dependence throughout the probationary period;
- (b) That the Respondent shall provide a copy of his Consent Order to his aftercare counselor, and shall cause his aftercare counselor to submit quarterly reports to the Board;

- (c) That each of the Respondent's quarterly reports shall include documentation of the result of a minimum of two random alcohol/drug screens performed during the quarter;
- (d) That the Respondent shall provide a copy of this Order to each of his employers, and shall cause each of his employers to submit quarterly reports to the Board;
- (e) That the Respondent *shall not be employed* as an agency nurse without express prior written permission from the Board;
- (f) That the Respondent shall submit personal quarterly reports to the Board;
- (g) That it shall be the responsibility of the Respondent to ensure that all required reports are submitted to the Board;
- (h) That within ten days of his receipt of a docketed copy of the Consent Order, the Respondent shall meet with a Board representative to have probationary limitations indicated upon his license card; and
- (i) That noncompliance with his Consent Order shall subject the Respondent's licensure to revocation.

3.

The Respondent has violated his Consent Order in the following manner:

- (a) The Respondent received a copy of his docketed Consent Order via certified mail on February 12, 2001, but failed to meet with a Board representative within ten days of his receipt of the Consent Order.
  - (1) The Board sent the Respondent a reminder notice regarding such meeting on March 26, 2001, which notice was received by the Respondent on April 5, 2001;
  - (2) The Respondent scheduled a meeting for May 1, 2001, but canceled such meeting; and

- (3) The Board sent the Respondent a second reminder notice on June 13, 2001, which notice was received by the Respondent on June 21, 2001.
- (b) The Respondent failed to have an aftercare counselor submit quarterly reports to the Board for the March and June 2001 reporting periods.
- (c) The Respondent failed to submit personal reports to the Board by the deadlines for the March and June reporting periods.
- (d) The Respondent met with a representative of the Board on July 5, 2001. In conjunction with that meeting, the following occurred:
- (1) The Respondent confirmed that since his entry into a Consent Order he had not participated in an aftercare program;
- (2) The Respondent generated the missing personal reports for the March and June 2001 quarters; and
- (e) The Respondent failed to enter into an aftercare program until July 20, 2001;
- (f) The Respondent caused an aftercare counselor to submit a quarterly report for the September 2001 reporting period, but such report did not contain documentation of any drug screens, as specifically required by his Consent Order.

#### CONCLUSIONS OF LAW

The Respondent's conduct constitutes sufficient grounds for the imposition of further sanctions upon Respondent's license to practice nursing as a registered professional nurse in the State of Georgia, under O.C.G.A. Ch. 26, T. 43.

#### ORDER

The Georgia Board of Nursing, having considered all the facts and circumstances surrounding this case, hereby orders, and the Respondent hereby agrees that the following sanctions shall be imposed upon Respondent's license to practice nursing as a registered professional nurse in the State of Georgia:

1.

The Respondent's license to practice nursing in the State of Georgia shall be suspended commencing on the docket date of this Amended Consent Order and ending on the date of Respondent's personal appearance before the Board, as provided in paragraph 2 below. Within ten (10) days of receipt of acknowledgement of the Board's acceptance of this Amended Consent Order, the Respondent shall return to the Board by certified mail the Respondent's pocket license card in order that it may be retained by the Board throughout the period of suspension. The license shall be mailed to the **Georgia Board of Nursing, 237 Colliseum Drive, Macon, Georgia 31217-3858**, in care of the Compliance Manager. During the period of suspension, the Respondent shall not use the title, "RN," or otherwise engage in the practice of nursing. During the period of suspension, the Respondent shall continue to comply with all reporting provisions of his Consent Order of January 30, 2001.

2.

Respondent shall make an appointment with the Board to appear personally at its May, 2002 meeting. At such time the Respondent shall present to the Board the following:

- (a) Documentation of continuous successful participation in a structured aftercare program approved by the Board throughout the six month period preceding Respondent's personal appearance before the board;
- (b) Copies of at least two (2) random drug screens performed by the program during each month of the period of suspension.

3.

Upon the Respondent's presentation of the documentation referenced above, the Board shall restore the Respondent's license on probationary status under the same terms and conditions as outlined in his prior consent order of January 30, 2001, a copy of which is attached hereto as Exhibit "A" and incorporated by reference herein. Also

provided, however, that the probationary period shall be extended for one year, to terminate on January 30, 2006. Failure to comply with any of these requirements shall result in automatic revocation of the Respondent's license.

4.

By executing this Amended Consent Order, Respondent specifically consents to any individuals or entities reporting to the Board information which would affect Respondent's ability to practice as a registered professional nurse with reasonable skill and safety to patients or which constitutes a violation of the Nurse Practice Act or this Amended Consent Order, notwithstanding any privilege provided by state or federal law, and agrees to provide to the Board any release or other documentation which may be necessary for the Board to obtain such information.

5.

If the Respondent shall fail to abide by all State and federal laws relating to drugs and regulating the practice of registered professional nursing in the State of Georgia, the Rules and Regulations of the Georgia Board of Nursing, the terms of this Amended Consent Order, or if it should appear from reports submitted to the Board that the Respondent is unable to practice as a registered professional nurse with reasonable skill and safety to patients, Respondent's license may be further sanctioned or revoked, upon substantiation thereof.

6.

In addition to and in conjunction with any other sanction contained herein, this Amended Consent Order and dissemination thereof shall serve as a public reprimand to the Respondent for Respondent's failure to adhere to the terms of his prior Consent Order.

7.

Approval of this Amended Consent Order by the Georgia Board of Nursing shall in no way be construed as condoning the Respondent's conduct, and shall not be

construed as a waiver of any of the lawful rights possessed by the Board. This Amended Consent Order shall not become effective until approved by the Georgia Board of Nursing and docketed by the Division Director, Professional Licensing Boards Division.

8.

The Respondent has read this Amended Consent Order and understands its contents. The Respondent understands that Respondent has the right to a hearing in this matter, and freely, knowingly and voluntarily waives such right by entering into this Amended Consent Order. The Respondent understands that this Amended Consent Order will not become effective until approved by the Georgia Board of Nursing and docketed by the Division Director, Professional Licensing Boards Division. The Respondent further understands and agrees that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Amended Consent Order. The Respondent understands that this Amended Consent Order, once approved and docketed, shall constitute a public record, evidencing disciplinary action by the Board. However, if the Amended Consent Order is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the Board's ability to adjudicate this matter. The Respondent hereby consents to the terms and sanctions contained herein.

Approved this 15<sup>th</sup> day of March, 2002

GEORGIA BOARD OF NURSING

BY: *James A. Dodds* *in the absence of the*  
JAMES A. DODDS, R-JR., President *President*  
(Signatures continued on next page)



Approved this 18 day of January, 2001.

GEORGIA BOARD OF NURSING

BY:

Sylvia L. Bond  
SYLVIA L. BOND, President

ATTEST:

Mollie L. Fleeman  
MOLLIE L. FLEEMAN,  
Division Director  
Professional Licensing Boards Division

CONSENTED TO:

Craig D. Smart  
CRAIG D. SMART  
Respondent

Melvin M. Goldstein  
MELVIN M. GOLDSTEIN  
Attorney for Respondent

Sworn to and subscribed  
before me this 4 day  
of December, 2000.

Carol S. Goldstein  
NOTARY PUBLIC

My commission expires

Notary Public, Cobb County, Georgia  
My Commission Expires March 3, 2001

Exhibit C



JON S. CORZINE  
Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
New Jersey Board of Nursing  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102  
[www.state.nj.us/lps/ca/home.htm](http://www.state.nj.us/lps/ca/home.htm)



ZULIMA V. FARBER  
Attorney General

KIMBERLY S. RICKETTS  
Director

**Mailing Address:**  
P.O. Box 45010  
Newark, NJ 07101  
(973) 504-6430

June 7, 2007

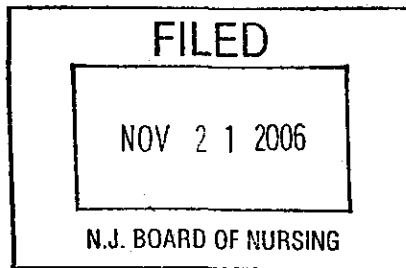
Dear Sir/Madam:

This license is reported to be suspended.

NAME:	Craig Donahue Smart
LICENSE/CERTIFICATION NUMBER:	26NR10071000
LICENSE TYPE:	Registered Professional Nurse
OBTAINED BY:	Endorsement
ISSUE DATE:	08/23/2000
EXPIRATION DATE:	05/31/2002

Sincerely,

George Hebert, M.A., R.N.  
Executive Director



STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR :  
REVOCATION OF THE CERTIFICATION OF :

CRAIG SMART, R.N.  
LICENSE No.: 26NR10071000

TO PRACTICE NURSING IN THE  
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER  
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

1. Respondent holds license No. 26NR10071000 as a registered nurse (R.N.), which has expired.
2. On May 23, 2003, Respondent submitted an Order of Voluntary Surrender surrendering his nurse's license to the Georgia Board of Nursing as a result of his failed participation in a structured aftercare program which was outlined in respondent's Amended Consent Order.

CONCLUSIONS OF LAW

1. The above misconduct provides grounds for the suspension of respondent's license to practice nursing in New Jersey pursuant to N.J.S.A. 45:1-21(i) and (g) in that respondent has demonstrated that he is incapable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare. In addition, respondent's failure to abide by the conclusions set forth in the Amended Consent Order and the subsequent voluntarily surrender of

his authority to practice nursing in the state of Georgia was tantamount to discipline in a sister state, and would also give rise to the disciplining of his license in the state of New Jersey.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice nursing in the State of New Jersey was entered on July 18, 2006 and a copy was forwarded to respondent at the last known address on file with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the Provisional Order sent by means of certified mail was returned as "Undeliverable as Addressed Forwarding Order Expired," the regular mail was not returned. Because the Order was forwarded to respondent's address of record, the Board deems service to have been effected. Accordingly, it is determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on *November 21*, 2006

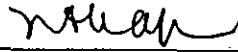
ORDERED that:

1. Respondent's license to practice as a nurse in the State of New Jersey is hereby suspended.
2. Respondent may have his license reinstated at such time as his license is reinstated in Georgia with no restrictions and he can demonstrate before a Committee of the Board that he is fit and competent to reenter nursing practices. Any practice in this State prior to the fulfillment of these conditions and further Order of this Board shall constitute grounds for the charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on respondent's

practice should his license be reinstated.

NEW JERSEY STATE BOARD OF NURSING

By



Nelson Tuazon, M.A.Ed., M.S.N., M.B.A., R.N., C.N.A.A.  
Board President

**From:** <shannan\_borton@dca.ca.gov>  
**To:** <rabbt@dca.lps.state.nj.us>  
**Date:** 6/1/2007 12:25 PM  
**Subject:** Nursys SpeedMemo Message From: CALIFORNIA-RN - Shannan Borton

\*\*\*\*\*Sender:CALIFORNIA-RN - Shannan Borton  
Recipient: NEW JERSEY BON\*\*\*\*\*Nurse Requesting  
Information On:

Name: SMART, CRAIG DSSN:259-47-3606  
DOB: 04/12/1969License(s):GEORGIA-RN RN 116249, FLORIDA RN RN3237972, MISSISSIPPI RN  
R862960,  
UTAH RN 4775116-3105, MASSACHUSETTS RN 240027, MICHIGAN RN  
4704224805, NEW JERSEY RN 26NR10071000, WASHINGTON RN RN00139825Additional  
Comments:

-----Please send copies of the disciplinary action regarding Mr. Smart  
to:

California Board of Registered Nursing  
Attn: Kristie Powell  
1625 N Market Blvd Ste N217  
Sacramento, CA 95834-----

Exhibit D





JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF COMMUNITY HEALTH  
LANSING

JANET OLSZEWSKI  
DIRECTOR

June 4, 2007

California Board of Registered Nursing  
Attn: Kristie Powell  
1625 N. market Blvd., Suite N217  
Sacramento, CA 95834

**RE: FOIA Request – Craig Donahue Smart, R.N.  
License No. 47-04-224805, Suspended**

Dear Ms. Powell:

In response to your request received June 1, 2007, and in accordance with the Freedom of Information Act (FOIA), 1976 P.A. 442, as amended, please find enclosed a certified copy of the following:

- 1) Final Order dated December 1, 2004;
- 2) Order of Summary Suspension dated August 16, 2004;
- 3) Administrative Complaint dated August 16, 2004 with attachments;

I certify that the attached documents are true copies taken from the Master File maintained by the Michigan Department of Community Health.

Sincerely,

Kathy Farley  
Freedom of Information Section  
Bureau of Health Professions

kdf

Enclosures

STATE OF MICHIGAN  
DEPARTMENT OF COMMUNITY HEALTH  
BUREAU OF HEALTH PROFESSIONS  
BOARD OF NURSING  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

CRAIG DONAHUE SMART, R.N.  
License Number: 47-04-224805

File Number: 47-04-94343

**FINAL ORDER**

On August 16, 2004, the Department of Community Health, Bureau of Health Professions, filed an Order of Summary Suspension and an Administrative Complaint with the Disciplinary Subcommittee of the Michigan Board of Nursing, hereafter Disciplinary Subcommittee, charging Craig Donahue Smart, R.N., hereafter Respondent, with violating sections 16221(a), 16221(b)(ii), 16221(b)(iii), 16221(b)(vi), 16221(b)(x), 16221(c)(i), and 16221(i) of the Michigan Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq.

The Administrative Complaint notified Respondent that, pursuant to sections 16231(7) and 16231(8) of the Public Health Code, supra, Respondent's failure to respond to the Complaint within 30 days from receipt would be treated as an admission of the allegations contained in the Complaint and would result in transmittal of the Complaint directly to the Disciplinary Subcommittee for imposition of an appropriate sanction.

STATE OF MICHIGAN-INGHAM COUNTY  
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Contrary to section 16231(7) of the Public Health Code, supra, Respondent failed to provide a written response to the allegations set forth in the Complaint within 30 days from receipt.

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The Disciplinary Subcommittee, having read the Order of Summary Suspension and the Administrative Complaint, considered the within matter at a regularly scheduled meeting held in Okemos, Michigan, on November 3, 2004, and imposed a sanction pursuant to section 16231(8) of the Public Health Code, supra. Now therefore,

IT IS HEREBY ORDERED that the Order of Summary Suspension dated August 16, 2004, is DISSOLVED, as of the effective date of this order.

IT IS FURTHER ORDERED that for the violations of sections 16221(a), 16221(b)(ii), 16221(b)(iii), 16221(b)(vi), 16221(b)(x), 16221(c)(i), and 16221(i) of the Public Health Code, supra, Respondent's license to practice as a registered nurse in the state of Michigan is SUSPENDED for a minimum period of six months and one day, commencing on the effective date of this order. Said periods of suspension shall run concurrently.

IT IS FURTHER ORDERED that reinstatement of a license which has been suspended for more than six months is not automatic and, in the event Respondent applies for reinstatement of the license, application for reinstatement shall be in accordance with sections 16245 and 16247 of the Public Health Code, supra, and

rules promulgated thereunder. Further, Respondent shall supply clear and convincing evidence to the Michigan Board of Nursing that Respondent is of good moral character, is able to practice the profession with reasonable skill and safety, and that it is in the public interest for Respondent to resume the practice.

IT IS FURTHER ORDERED that in the event Respondent violates any provision of this order, and if such violation is deemed to constitute an independent violation of the Public Health Code or the rules promulgated thereunder, the Disciplinary Subcommittee may proceed to take disciplinary action pursuant to 1996 AACRS, R 338.1632 and section 16221(h) of the Public Health Code, supra.

IT IS FURTHER ORDERED that this order shall be effective on the date signed by the Disciplinary Subcommittee's Chairperson or authorized representative, as set forth below.

Dated: December 1, 2004

**MICHIGAN BOARD OF NURSING  
DISCIPLINARY SUBCOMMITTEE**

By Melanie B. Brim  
Melanie B. Brim, Director  
Bureau of Health Professions

This is the last and final page of a Final Order in the matter of Craig Donahue Smart, R.N., File Number 47-04-94343, before the Disciplinary Subcommittee of the Michigan Board of Nursing, consisting of three pages, this page included.

DDM

STATE OF MICHIGAN-INGHAM COUNTY  
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Bureau of Health Professions

STATE OF MICHIGAN  
DEPARTMENT OF COMMUNITY HEALTH  
BUREAU OF HEALTH PROFESSIONS  
BOARD OF NURSING  
DISCIPLINARY SUBCOMMITTEE

STATE OF MICHIGAN-INGHAM COUNTY  
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of the Department of Community Health  
Bureau of Health Professions

In the Matter of

CRAIG DONAHUE SMART, R.N.  
License Number: 47-04-224805

File Number: 47-04-94343

ORDER OF SUMMARY SUSPENSION

WHEREAS, an Administrative Complaint has been filed against the above-named Respondent as provided by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq, the rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq; and

WHEREAS, after careful consideration of the documentation filed in said cause and after consultation with the chairperson of the Michigan Board of Nursing pursuant to section 16233(5) of the Public Health Code, supra, the Department hereby finds that the public health, safety, or welfare requires emergency action; now, therefore,

IT IS HEREBY ORDERED that Respondent's license to practice as a registered nurse in the state of Michigan shall be and hereby is SUMMARILY SUSPENDED commencing the date this order is served.

MICHIGAN DEPARTMENT OF  
COMMUNITY HEALTH

By: 

Melanie B. Brim, Director  
Bureau of Health Professions

DATED: *August 16, 2004*

STATE OF MICHIGAN  
DEPARTMENT OF COMMUNITY HEALTH  
BUREAU OF HEALTH PROFESSIONS  
BOARD OF NURSING  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

CRAIG DONAHUE SMART, R.N.  
License Number: 47-04-224805

STATE OF MICHIGAN-INGHAM COUNTY  
We certify that the foregoing is a true  
copy of the original on file in the office  
of the Department of Community Health  
Bureau of Health Professions  
File Number: 47-04-94343

ADMINISTRATIVE COMPLAINT

NOW COMES the Michigan Department of Community Health, hereafter Complainant, by Melanie B. Brim, Director, Bureau of Health Professions, and files this complaint against Craig Donahue Smart, R.N., hereafter Respondent, alleging upon information and belief as follows:

1. The Michigan Board of Nursing, hereafter Board, is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Code.

2. Respondent is currently licensed to practice as a registered nurse in the state of Michigan and has an address of record with Complainant of Waycross, Georgia.

3. Section 16233(5) of the Public Health Code, supra, provides, in pertinent part, as follows:

After consultation with the chair of the appropriate board or task force or his or her designee, the department may summarily suspend a license or registration if the public health, safety, or welfare requires emergency action in accordance with section 92 of the administrative procedures act of 1969, being section 24.292 of the Michigan Compiled Laws.

4. Good moral character is defined at Section 1 of 1974 PA 38, as amended; MCL 338.41 et seq, as "the propensity of the person to serve the public in the licensed area in a fair, honest and open manner."

5. Substance abuse is defined in section 6107(3) of the Public Health Code, supra, as:

The taking of alcohol and other drugs at dosages that place an individual's social, economic, psychological, and physical welfare in potential hazard or to the extent that an individual loses the power of self-control as a result of the use of alcohol or drugs, endangers the public's health, moral, safety, welfare or a combination thereof.

6. Cocaine is a schedule 2 controlled substance.

7. On March 3, 1999, Respondent entered into an advocacy contract with the Florida Intervention Project for Nurses, hereafter IPN, with a primary diagnosis of

cocaine abuse-rule out dependency. Prior to entry into the IPN, Respondent advised the IPN that he had received chemical dependency treatment.

8. On or about April 20, 1999, Respondent filed an application for licensure as a registered nurse with Complainant. In the application, in response to the question, "Have you been treated for substance abuse in the past 2 years?" Respondent answered in the negative. Respondent signed the application, certifying that the information was true and correct. A copy of the application, marked Exhibit A, is attached and incorporated.

9. On May 19, 2000, based, in part, on the representations made in his application, Respondent was granted a license to practice as a registered nurse in the state of Michigan.

10. On January 18, 2001, the Georgia Board of Nursing, hereafter Georgia Board, disciplined Respondent pursuant to a Consent Order which placed Respondent on probation for a period of four years. During the probationary period, Respondent was required, in part, to participate in a structured aftercare program for substance abuse, submit to random drug and alcohol screens, and provide quarterly employment reports. Failure to comply with the terms of probation would result in a one-year suspension of Respondent's license. The disciplinary action was based on Respondent's failure to comply with his advocacy contract with the IPN. A copy of the Consent Order, marked Exhibit B, is attached and incorporated.



11. On March 15, 2002, the Georgia Board issued an Amended Consent Order which suspended Respondent's license until Respondent personally appeared before the Georgia Board and presented documentation of six continuous months of successful participation in a structured aftercare program. A copy of the Amended Consent Order, marked Exhibit C, is attached and incorporated.

12. On May 15, 2003, the Georgia Board issued a Voluntary Surrender which permitted Respondent to surrender his license in lieu of further disciplinary action based on Respondent's failure to successfully participate in an aftercare program. A copy of the Voluntary Surrender, marked Exhibit D, is attached and incorporated.

13. On January 29, 2004, the Massachusetts Board of Registration in Nursing, hereafter Massachusetts Board, disciplined Respondent pursuant to a Final Decision and Order by Default which indefinitely suspended Respondent's license. The disciplinary action was based on the disciplinary action taken by the Georgia Board. A copy of the Final Decision and Order by Default, marked Exhibit E, is attached and incorporated.

14. Respondent failed to notify Complainant of the disciplinary actions taken by the Georgia Board and the Massachusetts Board within 30 days of the date of the actions.

STATE OF MICHIGAN-INGHAM COUNTY  
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Bureau of Health Professions

#### COUNT I

Respondent's conduct, as set forth above, evidences a conduct, practice, or condition which impairs, or may impair, the ability to safely and skillfully practice the health profession, in violation of section 16221(a) of the Public Health Code, supra.

#### COUNT II

Respondent's conduct, as set forth above, evidences substance abuse, in violation of section 16221(b)(ii) of the Public Health Code, supra.

#### COUNT III

Respondent's conduct, as set forth above, indicates that Respondent suffers from a mental or physical inability reasonably related to and adversely affecting Respondent's ability to practice in a safe and competent manner, in violation of section 16221(b)(iii) of the Public Health Code, supra.

#### COUNT IV

Respondent's conduct, as set forth above in paragraph 8, evidences a lack of good moral character, in violation of section 16221(b)(vi) of the Public Health Code, supra.

#### COUNT V

The foregoing disciplinary actions in the states of Georgia and Massachusetts, as set forth above, constitute final adverse administrative actions by a licensure, registration, disciplinary, or certification board involving the holder of, or an applicant for, a license or registration regulated by another state or a territory of the United States, in violation of section 16221(b)(x) of the Public Health Code, supra.

#### COUNT VI

Respondent's conduct, as set forth above in paragraph 8, evidences fraud or deceit in obtaining or renewing a license or registration, in violation of section 16221(c)(i) of the Public Health Code, supra.

#### COUNT VII

Respondent's conduct, as set forth above, evidences failure to notify Complainant of the disciplinary action in the states of Georgia and Massachusetts, as required by section 16222(3) of the Public Health Code, supra, in violation of section 16221(i) of the Public Health Code, supra.

The within complaint is based upon files and records maintained by Complainant and the attached Affidavit of Pamela Dixon.

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WHEREFORE, Complainant requests that a hearing be scheduled pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq; the Public Health Code, and the rules promulgated thereunder.

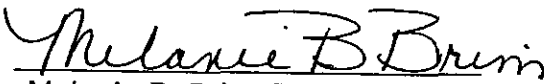
FURTHER, pending a hearing and final determination in the within cause, and pursuant to section 16233(5) of the Public Health Code, supra, Complainant states that the public health, safety and welfare requires emergency action and Respondent's license to practice as a registered nurse should accordingly be summarily suspended.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Melanie B. Brim, Director, Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, MI 48909.

CONTINUED ON NEXT PAGE

RESPONDENT IS FURTHER NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of this complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

DATED: *August 16, 2004*

  
Melanie B. Brim, Director  
Bureau of Health Professions

#### Attachments

This is the last and final page of an Administrative Complaint in the matter of Craig Donahue Smart, R.N., File Number 47-04-94343, before the Disciplinary Subcommittee of the Michigan Board of Nursing, consisting of eight pages, this page included.

KMC

OHS/ENR-041 (1/1991)

BOARD USE ONLY	
License Number	4704224805
Date of License	5-19-80

Michigan Department of Consumer & Industry Services  
 Board of Nursing  
 P.O. Box 30193  
 Lansing, Michigan 48909  
 (517) 335-0918  
 TDD (517) 373-7489

1-800-726-5773  
 MS Nursing Corporation  
 144 E. Medical - Suite 120  
 Denver CO 80202

## APPLICATION FOR LICENSURE BY ENDORSEMENT

Authority: Public Act 368 of 1978, as amended  
 If this form is not completed, a license will not be issued.

I AM APPLYING FOR LICENSURE ON THE FOLLOWING BASIS (Check One):

- ☒ Application by Registered Nurse Endorsement Fee: \$40.00  
☐ Application by Practical Nurse Endorsement Fee: \$40.00

Daytime Phone Number		Previous License Number
[REDACTED]		R116249
(Last Name)	(First Name)	(Middle Name)
Smart	Craig	Donahue
All Previous Names and/or Birth Name Used (if applicable)		
NA		
Date of Birth	U.S. Social Security Number	
[REDACTED]	[REDACTED]	
Street Address		
7416 Pauline Taylor Rd		
City	State	ZIP Code
Waycross	GA	31503
School of Nursing	City and State	Date of Completion
South Ga College	Douglas, GA	3/94

STATE OF MICHIGAN-INGHAM COUNTY  
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Check the appropriate answer to each of the following questions. Attach a detailed explanation for any Yes answer you check.

- Have you ever been convicted of a felony? ☐ YES ☒ NO
- Have you ever been convicted of a misdemeanor punishable by imprisonment for a maximum term of 2 years? ☐ YES ☒ NO
- Have you ever been convicted of a misdemeanor involving the illegal delivery, possession, or use of alcohol or a controlled substance (including motor vehicle violations)? ☐ YES ☒ NO
- Have you been treated for substance abuse in the past 2 years? ☐ YES ☒ NO
- Have you had 3 or more malpractice settlements, awards, or judgments in any consecutive 5 year period? ☐ YES ☒ NO
- Have you had one or more settlements, awards, or judgments totaling \$200,000 or more in any consecutive 5 year period? ☐ YES ☒ NO
- Have you ever had a nursing license or registration revoked, suspended, or otherwise disciplined; been denied a license; or currently have disciplinary action pending against you? ☐ YES ☒ NO
- Have you previously made application to the Michigan Board? ☐ YES ☒ NO
- On what examination basis did you obtain licensure? SBTPE/NCLEX: ☒ YES ☐ NO  
 STATE CONSTRUCTED: ☐ YES ☒ NO
- Do you hold or have you ever held a nursing license in Michigan or any other state? If yes, list each state, the license number, the date issued, and the basis for licensure. You must have each state board verify licensure directly to this board office. (Attach additional sheets if necessary.) ☐ YES ☒ NO

State	License/Registration Number	Date of Issue	Basis for Licensure/Registration
GA	R116249	1994	Endorsement

(OVER) - Do Not Detach

A 1 2

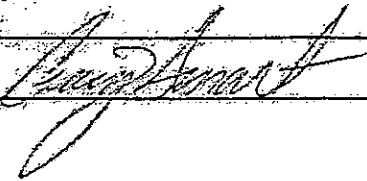
### CERTIFICATION

I understand that it is the policy of this agency to secure conviction criminal history as part of their pre-licensure screening process, and I authorize this agency to use the information provided in this application to obtain a conviction criminal history file search from the Central Records Division of the Michigan Department of State Police.

I further consent to the release of information to this agency regarding any disciplinary investigations conducted by a similar licensure, registration, or specialty certification board of this or any other state, of the United States military, of the federal government, or of another country.

The statements in this application are true and correct. I have not withheld information which might affect the decision to be made on this application. In signing this application, I am aware that a false statement or dishonest answer may be grounds for denial of my application or revocation of my license and that such misrepresentation is punishable by law.

Signature of Applicant



Date

4/20/99

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Bureau of Health Professions

JAN 30 2001

DOCKET NUMBER

2000-802

BEFORE THE GEORGIA BOARD OF NURSING

IN THE MATTER OF:

CRAIG D. SMART,  
License No. R116249,

Respondent.

\*  
\* OSAH DOCKET NO. SEB-RN-  
\* 0104802-148-MGS  
\*\* BOARD DOCKET NO. 00-802  
\*CONSENT ORDERSTATE OF MICHIGAN-INGHAM COUNTY  
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Bureau of Health Professions

By agreement of the Georgia Board of Nursing and Craig D. Smart, Respondent,  
the following disposition of this disciplinary matter is entered pursuant to the provisions of  
the Georgia Administrative Procedure Act, O.C.G.A § 50-13-13(a)(4), as amended.

FINDINGS OF FACT

1.

The Respondent is licensed to practice nursing as a registered professional  
nurse in the State of Georgia, and was so licensed at all times relevant to the matters  
stated herein.

2.

On or about December 8, 1998, in a pre-employment drug screen conducted on  
behalf of Orlando Regional Healthcare System, the Respondent submitted a fluid  
sample which tested positive for cocaine metabolites.

4.

On or about October 20, 1999, the Georgia Board of Nursing received from the  
Florida Intervention Project for Nurses copies of the following documents:

- (a) A Diversion/Assistance Program Referral Form prepared on behalf of the  
Respondent, which stated that the Respondent had received treatment for

**RECEIVED**



chemical dependence at Baptist St. Vincent's Health System was admitted to the Intervention Project for Nurses on March 18, 1999 with a primary diagnosis of cocaine abuse, r/o dependency; and

(b) An Advocacy Contract with the Intervention Project for Nurses, signed by the Respondent on March 3, 1999, which contract did not restrict the Respondent's access to narcotics in his workplace.

5.

On or about December 22, 1999, the Respondent was dismissed from the Intervention Project for Nurses for failure to comply with his advocacy contract.

#### CONCLUSIONS OF LAW

The Respondent's conduct constitutes sufficient grounds for the imposition of sanctions upon Respondent's license to practice nursing as a registered professional nurse in the State of Georgia, under O.C.G.A. Ch. 26, T. 43.

#### ORDER

The Georgia Board of Nursing, having considered all the facts and circumstances surrounding this case, hereby orders; and the Respondent hereby agrees that the following sanctions shall be imposed upon Respondent's license to practice nursing as a registered professional nurse in the State of Georgia:

1.

The Respondent's license to practice nursing as a registered professional nurse in the State of Georgia shall be suspended for a period of one year; however, the enforcement of the suspension shall be withheld and the Respondent's license shall be placed on probation for a period of four years from the effective date of this Consent Order, subject to the following conditions:

(a) The Respondent shall participate in a structured aftercare program for chemical dependence acceptable to the Board throughout the probationary period. Respondent's participation in such program shall be viewed as a condition precedent to

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all other provisions set forth herein, and the Respondent's failure to comply with that requirement, upon substantiation thereof, shall subject the Respondent's license to revocation. The Respondent shall not change aftercare programs without the express prior written consent of the Board.

(b) The Respondent shall completely abstain from the consumption of alcohol, and also shall abstain from the consumption of controlled substances except as prescribed by a duly licensed practitioner for a legitimate purpose. Should the Respondent be prescribed any controlled substances, a written report from the prescribing physician shall be submitted to the Board and program counselor within ten (10) days of the prescribing thereof. Throughout the period of probation, the Respondent agrees to undergo random witnessed alcohol/drug screening at Respondent's own expense at the request of the Board or its representative, Respondent's employer, monitoring physicians, or program counselor. Receipt of a positive alcohol/drug screen by the Board is deemed to be a violation of this Consent Order.

(c) The Respondent shall provide a copy of this Order to Respondent's program counselor and shall cause Respondent's program counselor to submit quarterly reports to the Board by March 31, June 30, September 30, and December 31 commencing on the first reporting date following the effective date of this Order and continuing throughout the probationary period, which reports shall evaluate the Respondent's progress in rehabilitation. Such reports shall include documentation of the results of a minimum of two random alcohol/drug screens performed upon the Respondent during the quarter. The quarterly reports shall include a disclosure of any medication being administered to the Respondent or prescribed as treatment for any illness of the Respondent. The receipt of a positive alcohol/drug screen, or a report from the Respondent's program counselor that the Respondent has failed to submit to a requested drug screen or to comply with the requirements of the program, or that the

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**RECEIVED**

APR 30 2004

BUREAU OF HEALTH PROFESSIONS  
COMPLAINTS UNIT

Respondent is otherwise unable to function as a registered professional nurse, shall be grounds for vacating Respondent's license probation, in the discretion of the Board.

(d) The Respondent shall provide a copy of this Order to each of Respondent's employers, whether located in Georgia or any other State, and shall cause such employers or supervisors to submit quarterly reports to the Board by March 31, June 30, September 30 and December 31 commencing on the first reporting date following the effective date of this Order and continuing throughout the probationary period, regarding the Respondent's performance of Respondent's duties. The receipt of an unfavorable report shall be deemed a violation of this Order and, upon substantiation thereof, shall be grounds for further sanction or revocation of Respondent's license.

(e) The Respondent shall not be employed through a temporary nursing agency or pool, or practice as a private duty nurse, agency nurse, or in-home nurse in the State of Georgia without express prior written permission from the Board.

(f) The Respondent shall submit personal quarterly reports to the Board by March 31, June 30, September 30 and December 31 commencing on the first reporting date following the effective date of this Order and continuing throughout the probationary period. Such reports shall state only the current address and phone number and place of employment of the Respondent. Failure to submit such reports, upon substantiation thereof, shall be grounds for further sanction or revocation of Respondent's license.

(g) If the Respondent should be enrolled in any clinical nursing course, the Respondent shall also provide a copy of this Consent Order to the dean or director of such program.

(h) The Respondent shall provide a copy of this Consent Order to all reporting individuals. It shall be the responsibility of the Respondent to ensure that all required reports are submitted to the Georgia Board of Nursing, 237 Coliseum Drive, Macon Georgia 31217-3858 in care of the Compliance Manager; and to report to the

Board any change in Respondent's place of employment, residence, and/or current status as a practicing registered professional nurse.

(i) Within ten (10) days of the Respondent's receipt of a docketed copy of this Consent Order, the Respondent shall meet with a representative of the Board in order to review the terms of this Consent Order, and to ensure that probationary limitations are indicated upon the Respondent's pocket license card. The Respondent shall be responsible for scheduling such meeting, and failure to comply with such requirement shall be deemed a violation of this Consent Order.

(j) By executing this Consent Order, Respondent specifically consents to any individuals or entities reporting to the Board information which would affect Respondent's ability to practice as a registered professional nurse with reasonable skill and safety to patients or which constitutes a violation of the Nurse Practice Act or this Consent Order, notwithstanding any privilege provided by state or federal law, and agrees to provide to the Board any release or other documentation which may be necessary for the Board to obtain such information.

(k) The Board may review and evaluate the practice of the Respondent at the end of the probationary period. It is hereby understood that if such evaluation should indicate non-compliance with the Consent Order or further violation of O.C.G.A. Title 43, Chs. 1 or 26, Respondent's licensure shall be subject to further sanction or revocation.

(l) If the Respondent shall fail to abide by all State and federal laws relating to drugs and regulating the practice of registered professional nursing in the State of Georgia, the Rules and Regulations of the Georgia Board of Nursing, the terms of this Consent Order and probation, or if it should appear from reports submitted to the Board that the Respondent is unable to practice as a registered professional nurse with reasonable skill and safety to patients, Respondent's license may be further sanctioned or revoked, upon substantiation thereof.

2.

In addition to and in conjunction with any other sanction contained herein, this Consent Order and dissemination thereof shall serve as a public reprimand to the Respondent for Respondent's conduct.

3.

Approval of this Consent Order by the Georgia Board of Nursing shall in no way be construed as condoning the Respondent's conduct, and shall not be construed as a waiver of any of the lawful rights possessed by the Board. This Consent Order shall not become effective until approved by the Georgia Board of Nursing and docketed by the Division Director, Professional Licensing Boards Division.

4.

The Respondent has read this Consent Order and understands its contents. The Respondent understands that Respondent has the right to a hearing in this matter, and freely, knowingly and voluntarily waives such right by entering into this Consent Order. The Respondent understands that this Consent Order will not become effective until approved by the Georgia Board of Nursing and docketed by the Division Director, Professional Licensing Boards Division. The Respondent further understands and agrees that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. The Respondent understands that this Consent Order, once approved and docketed, shall constitute a public record, evidencing disciplinary action by the Board. However, if the Consent Order is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the Board's ability to adjudicate this matter. The Respondent hereby consents to the terms and sanctions contained herein.

(Signatures on next page) STATE OF MICHIGAN-INGHAM COUNTY

We certify that the foregoing is a true copy of the original on file in the office of the Department of Community Health Bureau of Health Professions

Approved this 18 day of January, 2001.

GEORGIA BOARD OF NURSING

BY:

Sylvia L. Bond  
SYLVIA L. BOND, President

ATTEST:

Mollie L. Fleeman  
MOLLIE L. FLEEMAN,  
Division Director  
Professional Licensing Boards Division

CONSENTED TO:

Craig D. Smart  
CRAIG D. SMART  
Respondent

Melvin M. Goldstein  
MELVIN M. GOLDSTEIN  
Attorney for Respondent

Sworn to and subscribed  
before me this 4 day  
of December, 2000.

Carol A. Holsten  
NOTARY PUBLIC

My commission expires

Notary Public, Cobb County, Georgia  
My Commission Expires March 3, 2001

STATE OF MICHIGAN-INGHAM COUNTY  
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of the Department of Community Health  
Bureau of Health Professions

PROFESSIONAL LICENSING BOARDS

MAR 20 2002

DOCKET NUMBER

2000 - 802

BEFORE THE GEORGIA BOARD OF NURSING

IN THE MATTER OF:

CRAIG D. SMART

License No. R116249,

Respondent.

\*  
\*  
\*  
\*  
\*  
\*

FILE NO. 64EB-CA-1015977

AMENDED CONSENT ORDER

By agreement of the Georgia Board of Nursing and Craig D. Smart, Respondent, the following disposition of this disciplinary matter replaces and supercedes a prior disposition entered January 30, 2001, and is entered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A § 50-13-13(a)(4), as amended.

FINDINGS OF FACT

1.

The Respondent is licensed to practice nursing as a registered professional nurse in the State of Georgia, and was so licensed at all times relevant the matters stated herein.

2.

On or about January 30, 2001, the Respondent entered into a Consent Order with the Board as a result of his use of cocaine and subsequent failure to comply with his drug treatment aftercare contract. The Consent Order provided for a probationary period of four years subject to terms and conditions including, but not limited to, the following:

(a) That the Respondent shall participate in a structured aftercare program for chemical dependence throughout the probationary period;

(b) That the Respondent shall provide a copy of his Consent Order to his aftercare counselor, and shall cause his aftercare counselor to submit quarterly reports to the Board;

STATE OF MICHIGAN-INGHAM COUNTY  
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- (c) That each of the Respondent's quarterly reports shall include documentation of the result of a minimum of two random alcohol/drug screens performed during the quarter;
- (d) That the Respondent shall provide a copy of this Order to each of his employers, and shall cause each of his employers to submit quarterly reports to the Board;
- (e) That the Respondent shall not be employed as an agency nurse without express prior written permission from the Board;
- (f) That the Respondent shall submit personal quarterly reports to the Board;
- (g) That it shall be the responsibility of the Respondent to ensure that all required reports are submitted to the Board;
- (h) That within ten days of his receipt of a docketed copy of the Consent Order, the Respondent shall meet with a Board representative to have probationary limitations indicated upon his license card; and
- (i) That noncompliance with his Consent Order shall subject the Respondent's licensure to revocation.

## 3.

The Respondent has violated his Consent Order in the following manner:

- (a) The Respondent received a copy of his docketed Consent Order via certified mail on February 12, 2001, but failed to meet with a Board representative within ten days of his receipt of the Consent Order.

- (1) The Board sent the Respondent a reminder notice regarding such meeting on March 26, 2001, which notice was received by the Respondent on April 5, 2001;

- (2) The Respondent scheduled a meeting for May 1, 2001, but canceled such meeting; and



- (3) The Board sent the Respondent a second reminder notice on June 13, 2001, which notice was received by the Respondent on June 21, 2001.
- (b) The Respondent failed to have an aftercare counselor submit quarterly reports to the Board for the March and June 2001 reporting periods.
- (c) The Respondent failed to submit personal reports to the Board by the deadlines for the March and June reporting periods.
- (d) The Respondent met with a representative of the Board on July 5, 2001. In conjunction with that meeting, the following occurred:
- (1) The Respondent confirmed that since his entry into a Consent Order he had not participated in an aftercare program;
- (2) The Respondent generated the missing personal reports for the March and June 2001 quarters; and
- (e) The Respondent failed to enter into an aftercare program until July 20, 2001;
- (f) The Respondent caused an aftercare counselor to submit a quarterly report for the September 2001 reporting period, but such report did not contain documentation of any drug screens, as specifically required by his Consent Order.

#### CONCLUSIONS OF LAW

The Respondent's conduct constitutes sufficient grounds for the imposition of further sanctions upon Respondent's license to practice nursing as a registered professional nurse in the State of Georgia, under O.C.G.A. Ch. 26, T. 43.

#### ORDER

The Georgia Board of Nursing, having considered all the facts and circumstances surrounding this case, hereby orders, and the Respondent hereby agrees that the following sanctions shall be imposed upon Respondent's license to practice nursing as a registered professional nurse in the State of Georgia:

1.

The Respondent's license to practice nursing in the State of Georgia shall be suspended commencing on the docket date of this Amended Consent Order and ending on the date of Respondent's personal appearance before the Board, as provided in paragraph 2 below. Within ten (10) days of receipt of acknowledgement of the Board's acceptance of this Amended Consent Order, the Respondent shall return to the Board by certified mail the Respondent's pocket license card in order that it may be retained by the Board throughout the period of suspension. The license shall be mailed to the **Georgia Board of Nursing, 237 Colliseum Drive, Macon, Georgia 31217-3858**, in care of the Compliance Manager. During the period of suspension, the Respondent shall not use the title, "RN," or otherwise engage in the practice of nursing. During the period of suspension, the Respondent shall continue to comply with all reporting provisions of his Consent Order of January 30, 2001.

2.

Respondent shall make an appointment with the Board to appear personally at its May, 2002 meeting. At such time the Respondent shall present to the Board the following:

- (a) Documentation of continuous successful participation in a structured aftercare program approved by the Board throughout the six month period preceding Respondent's personal appearance before the board;
- (b) Copies of at least two (2) random drug screens performed by the program during each month of the period of suspension.

3.

Upon the Respondent's presentation of the documentation referenced above, the Board shall restore the Respondent's license on probationary status under the same terms and conditions as outlined in his prior consent order of January 30, 2001, a copy of which is attached hereto as Exhibit "A" and incorporated by reference herein. Also

provided, however, that the probationary period shall be extended for one year, to terminate on January 30, 2006. Failure to comply with any of these requirements shall result in automatic revocation of the Respondent's license.

4.

By executing this Amended Consent Order, Respondent specifically consents to any individuals or entities reporting to the Board information which would affect Respondent's ability to practice as a registered professional nurse with reasonable skill and safety to patients or which constitutes a violation of the Nurse Practice Act or this Amended Consent Order, notwithstanding any privilege provided by state or federal law, and agrees to provide to the Board any release or other documentation which may be necessary for the Board to obtain such information.

5.

If the Respondent shall fail to abide by all State and federal laws relating to drugs and regulating the practice of registered professional nursing in the State of Georgia, the Rules and Regulations of the Georgia Board of Nursing, the terms of this Amended Consent Order, or if it should appear from reports submitted to the Board that the Respondent is unable to practice as a registered professional nurse with reasonable skill and safety to patients, Respondent's license may be further sanctioned or revoked, upon substantiation thereof.

6.

In addition to and in conjunction with any other sanction contained herein, this Amended Consent Order and dissemination thereof shall serve as a public reprimand to the Respondent for Respondent's failure to adhere to the terms of his prior Consent Order.

7.

Approval of this Amended Consent Order by the Georgia Board of Nursing shall in no way be construed as condoning the Respondent's conduct, and shall not be

construed as a waiver of any of the lawful rights possessed by the Board. This Amended Consent Order shall not become effective until approved by the Georgia Board of Nursing and docketed by the Division Director, Professional Licensing Boards Division.

8.

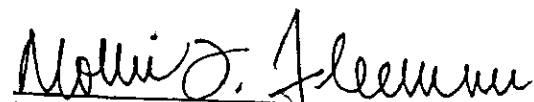
The Respondent has read this Amended Consent Order and understands its contents. The Respondent understands that Respondent has the right to a hearing in this matter, and freely, knowingly and voluntarily waives such right by entering into this Amended Consent Order. The Respondent understands that this Amended Consent Order will not become effective until approved by the Georgia Board of Nursing and docketed by the Division Director, Professional Licensing Boards Division. The Respondent further understands and agrees that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Amended Consent Order. The Respondent understands that this Amended Consent Order, once approved and docketed, shall constitute a public record, evidencing disciplinary action by the Board. However, if the Amended Consent Order is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the Board's ability to adjudicate this matter. The Respondent hereby consents to the terms and sanctions contained herein.

Approved this 15<sup>th</sup> day of March, 2002.

GEORGIA BOARD OF NURSING

BY: *James A. Dodds, R-Jr.* in the absence of the  
JAMES A. DODDS, R-JR., President *President*  
(Signatures continued on next page)

ATTEST:



MOLLIE L. FLEEMAN

Division Director

Professional Licensing Boards Division

CONSENTED TO:



CRAIG D. SMART

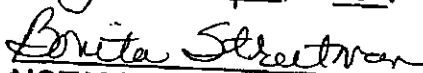
Respondent



MELVIN M. GOLDSTEIN

Attorney for Respondent

Sworn to and subscribed  
before me this 30th day  
of January, 2002.



NOTARY PUBLIC

My commission expires: 2-27-05

STATE OF MICHIGAN-INGHAM COUNTY  
We certify that the foregoing is a true  
copy of the original on file in the office  
of the Department of Community Health  
Bureau of Health Professions

BEFORE THE GEORGIA BOARD OF NURSING

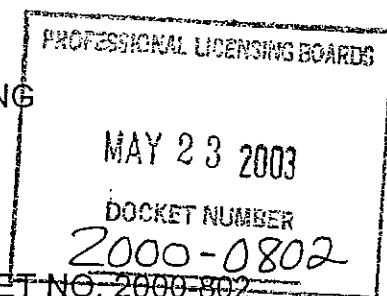
IN THE MATTER OF:

CRAIG D. SMART,  
License No. R116249,

Respondent.

\*  
\*  
\*  
\*  
\*  
\*

BOARD DOCKET NO. 2000-802



VOLUNTARY SURRENDER

1.

On or about January 30, 2001, the Respondent entered into a Consent Order with the Board as a result of his use of cocaine and subsequent failure to comply with his drug treatment aftercare contract. The Consent Order placed his license on probation for a period of four years subject to terms and conditions specified therein.

2.

On or about March 20, 2002, the Respondent entered into an Amended Consent Order as a result of his failure to comply with the terms of his original Consent Order. The Amended Consent Order contained sanctions which included but were not limited to the following:

(a) That the Respondent's license shall be suspended until such time as the Respondent shall appear personally before the Board at its May 2002 meeting and present documentation of continuous, successful participation in a structured aftercare program and documentation of at least two random drug screens performed during each month of the period of suspension; and

(b) That upon presentation of the documentation referenced in paragraph (a), above, the Respondent's license shall be restored and placed on probation until January 30, 2006.

STATE OF MICHIGAN-INGHAM COUNTY  
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of the Department of Community Health.  
Bureau of Health Professions

3.

The Respondent has failed to participate successfully in a structured aftercare program, has failed to submit to at least two random drug screens during each month of the period of suspension, and has failed to appear before the Board at its May 2002 meeting, in violation of his Amended Consent Order.

4.

The Respondent has expressed a desire to surrender his license to practice as a registered professional nurse in the State of Georgia, in lieu of the Board's initiation of further disciplinary proceedings against him.

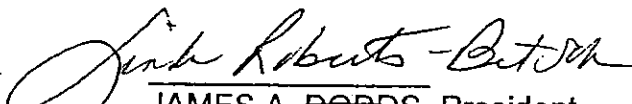
5.

Therefore, the Respondent hereby surrenders his license to practice as a registered professional nurse in the State of Georgia and the Board hereby accepts such surrender, which surrender shall have the same effect as a revocation of the license, shall be considered to be a public record evidencing action by the Board, and shall become effective immediately upon acceptance thereof by the Board and docketing by the Division Director, Professional Licensing Board Division.

This 15<sup>th</sup> day of May, 2002.

GEORGIA BOARD OF NURSING

BY:

  
JAMES A. DODDS, President  
LINDA Roberts - Betts

(BOARD SEAL)

ATTEST:

  
MOLLIE L. FLEEMAN  
Division Director

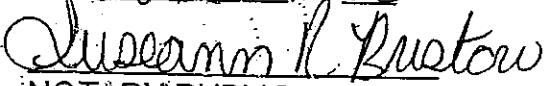
STATE OF MICHIGAN-INGHAM COUNTY  
We certify that the foregoing is a true  
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Bureau of Health Professions

(Signatures continued on next page)



CRAIG D. SMART  
Respondent.

Sworn to and subscribed  
before me this 7<sup>th</sup> day  
of June, 2002.



NOTARY PUBLIC

My commission expires

Notary Public, Cobb County, Georgia  
My Commission Expires October 4, 2004

STATE OF MICHIGAN-INGHAM COUNTY  
We certify that the foregoing is a true  
copy of the original on file in the office  
of the Department of Community Health  
Bureau of Health Professions



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN NURSING

In the Matter of )  
Craig D. Smart )  
RN License No. 240027 )  
(License expiration date 4/12/04) )

Docket No. RN-02-339

FINAL DECISION AND ORDER BY DEFAULT

Pursuant to Massachusetts General Laws ("G.L.") Chapter 30A, section 10(2), 801 CMR 1.01 (6)(d)(2) and (7)(a)(1), the failure of Craig D. Smart, a Registered Nurse licensed by the Board ("Respondent"), after due notice, to appear and defend in this matter, and Prosecuting Counsel's Motion for Entry of Default Judgment and for Final Decision and Order by Default ("Motion"), the Board of Registration in Nursing ("Board") grants Prosecuting Counsel's Motion and issues this Final Decision and Order by Default.

PROCEDURAL BACKGROUND

On April 10, 2003, the Board issued an Order to Show Cause ("Show Cause Order") ordering Respondent to show cause why the Board should not suspend, revoke, or otherwise take action against his license to practice as a Registered Nurse ("RN") in the Commonwealth of Massachusetts, RN License No. 240027, based on the allegations in the Show Cause Order. (A copy of the Show Cause Order is attached hereto as Exhibit 1 to the Affidavit of Prosecuting Counsel.) Respondent did not file an Answer or other response to the Show Cause Order.

On November 24, 2003, Prosecuting Counsel filed and served upon Respondent the Motion, a Memorandum of Law, an Affidavit of Prosecuting Counsel with Exhibits 1 and 2 attached thereto, and notice of his right to a hearing and waiver of this right if he did not timely remove the default. The notice further informed Respondent that failure to remove the default within seven (7) days would cause the Board to (a) enter a Final Decision and Order which assumes the truth of the allegations in the Show Cause Order; and (b) revoke, suspend, or take other disciplinary action against his license to practice as an RN in the Commonwealth. It is now clearly beyond the time allowed for a response to be filed under the Standard Adjudicatory Rules of Practice and Procedure 801 CMR 1.00 *et seq.* At no time has Respondent appeared or defended.

I hereby certify that this is a true and accurate copy of the original document which is on file with the Board.



STATE OF MICHIGAN-INGHAM COUNTY  
We certify that the foregoing is a true  
copy of the original on file in the office  
of the Department of Community Health  
Bureau of Health Professions

FILED

APR - 8 2004

EXHIBIT E page 1 of 6

## EXHIBITS

The Board takes administrative notice of the following exhibits that are a part of the administrative record:

Exhibit A: Prosecuting Counsel's November 24, 2003 transmittal letter to Respondent enclosing the Motion, Memorandum of Law and Affidavit with Exhibits 1 and 2 listed below attached thereto:

1. April 10, 2003 Show Cause Order served upon Respondent *via* first class and certified mail return receipt requested at 7446 Pauline Taylor Road, Waycross, GA 31503.
2. A copy of a U.S. Postal Service Domestic Return Receipt card for Certified Mail, signed by Respondent, dated April 16.

## DISCUSSION

By reason of Respondent's default, and upon consideration of Prosecuting Counsel's Motion, Memorandum of Law, and Affidavit of Prosecuting Counsel filed in support therein, the Board **GRANTS** Prosecuting Counsel's Motion. The Board finds that the allegations in the Show Cause Order and the violations of statutes and regulations stated therein are deemed admitted and established. Respondent was duly notified and afforded an opportunity for a full and fair hearing as required by G.L. c. 30A, §§ 10 and 11 (1); G.L. c. 112, § 62, and 801 CMR 1.01 (4) (c). Wherefore, in accordance with the Board's authority and statutory mandate, the Board orders as follows:<sup>1</sup>

## ORDER

Based on its Final Decision, the Board **INDEFINITELY SUSPENDS** Respondent's **LICENSE** to engage in the practice of nursing as a Registered Nurse in Massachusetts, RN License No. 240027.

Respondent is hereby ordered to return any nursing license issued to him by the Board, whether current or expired, to the Board's office at 239 Causeway Street, Boston, Massachusetts 02114, by hand or by certified mail, within five (5) days of the Effective Date set forth below.

Respondent shall not practice as a Registered Nurse in Massachusetts on or after the Effective Date of this Order. "Practice as a Registered Nurse" includes, but is not limited to, seeking and accepting a paid or voluntary position as a Registered Nurse or in any way representing himself as a Registered Nurse in Massachusetts. The Board shall

<sup>1</sup> In that the evidence in this default proceeding, consisting of the ~~STATE OF MASSACHUSETTS~~ **STATE OF MICHIGAN INGHAM COUNTY** before the Board, no tentative decision is required. 801 CMR 1.01 (11). We certify that the foregoing is a true copy of the original on file in the office of the Department of Community Health

refer any evidence of unlicensed practice to appropriate law enforcement authorities for prosecution as provided by G.L. c. 112, §§ 65 and 80.

Respondent may petition the Board in writing for termination of the suspension of his license ("suspension termination") when he can provide documentation satisfactory to the Board demonstrating his ability to practice nursing in a safe and competent manner. Such documentation shall include, but may not be limited to, evidence that Respondent has been in stable and sustained recovery from all substances of abuse for the three (3) years immediately preceding any petition for suspension termination. Accordingly, Respondent shall provide with any petition for suspension termination:

- 1) documentation submitted directly to the Board according to the conditions and procedures outlined in **Attachment A** of the results of random supervised urine tests for substances of abuse, collected no less than ten (10) times per year during the two (2) years immediately preceding the petition for suspension termination, all of which are required to be negative;
- 2) documentation submitted directly to the Board that Respondent has obtained a sponsor and has regularly attended Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings, or both, at least three (3) times per week during the two (2) years immediately preceding any petition for suspension termination, such documentation to include a letter of support from his sponsor and signatures verifying this required attendance;
- 3) documentation submitted directly to the Board verifying that he has regularly attended group or individual counseling or therapy, or both, during the two (2) years immediately preceding any petition for suspension termination. Such documentation shall be completed by each licensed mental health professional seen by Respondent, and shall be written within thirty (30) days preceding any petition for suspension termination. Further, such documentation shall include: a summary of Respondent's progress in therapy and his full recovery from substance abuse, dependence and addiction; a statement of the frequency and length of therapy; and specific treatment recommendations for Respondent's sustained recovery from substance abuse, dependence and addiction;
- 4) written verification from his primary care provider and any other specialist(s) whom Respondent may have consulted that indicate that Respondent is medically able to resume the safe and competent practice of nursing, including a list of all prescribed medications and the clinical basis for such prescriptions, written within thirty (30) days preceding any petition for suspension termination; and
- 5) if employed during the year immediately preceding any petition for suspension termination, a performance evaluation submitted directly to the Board by each employer during said year, written on the employer's official letterhead, that reviews Respondent's attendance, general reliability, and overall job performance.

STATE OF MICHIGAN-INGHAM COUNTY  
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Bureau of Health Professions

Respondent must also provide certified documentation from the Georgia State Board of Nursing ("Georgia Board") sent directly to the Board verifying that Respondent has successfully met all requirements imposed by the Georgia Board in connection with its discipline of his Georgia nursing license, RN 116249, and that his Georgia nursing license is, or is eligible to be, reinstated in good standing and free of any restrictions or conditions.

At the time of any petition for suspension termination, Respondent must also assist the Board in obtaining documentation satisfactory to the Board that there are no pending actions or obligations, criminal or administrative, against Respondent before any court or administrative body. The Board shall not consider any petition for suspension termination for a minimum of one (1) year after completion of all obligations, including probation, related to any criminal matters in which Respondent has been involved.

Respondent shall also submit documentation satisfactory to the Board of his successful completion of all continuing education equivalent to the continuing education required by Board regulations for the two (2) license renewal cycles immediately preceding any petition for suspension termination.

The Board's approval of Respondent's petition for suspension termination may be conditioned upon, and immediately followed by, probation of Respondent's nursing license for a period of time, as well as other restrictions and requirements that the Board may then determine are reasonably necessary in the best interests of the public health, safety, or welfare.

The Board may choose to approve Respondent's petition for suspension termination if the Board determines that suspension termination is in the best interests of the public at large.

The Board voted to adopt the within Final Decision by Default at its meeting held on January 14, 2004, by the following vote: In favor: Janet Dewan, RN/NA; Maura Flynn, LPN; Gail Kerwood, RN; Marie McCarthy, RN; Ann Montminy, RN; and Philip Waithe, RN. Opposed: None. Abstained: None.

The Board voted to adopt the within Order by Default at its meeting held on January 14, 2004, by the following vote: In favor: Janet Dewan, RN/NA; Maura Flynn, LPN; Gail Kerwood, RN; Marie McCarthy, RN; Ann Montminy, RN; and Philip Waithe, RN. Opposed: None. Abstained: None.

#### EFFECTIVE DATE OF ORDER

This Final Decision and Order by Default becomes effective upon the tenth (10th) day from the date it is issued (see "Date Issued" below).

STATE OF MICHIGAN-INGHAM COUNTY  
We certify that the foregoing is a true 2004  
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Bureau of Health Professions

RIGHT TO APPEAL

Respondent is hereby notified of his right to appeal this Final Decision and Order by Default within thirty (30) days pursuant to G.L. c. 112, § 64 and G.L. c. 30A, §§ 14 and 15.

Board of Registration in Nursing

Date Issued: January 29, 2004

Theresa M. Bonanno/JHS  
Theresa M. Bonanno, MSN, RN  
Executive Director

Notified:

BY FIRST CLASS AND CERTIFIED MAIL RETURN  
RECEIPT REQUESTED NO. 7001 2510 0008 1213 7028

Craig D. Smart  
7446 Pauline Taylor Road  
Waycross, GA 31503

BY HAND

Eugene Langner, Prosecuting Counsel  
Massachusetts Department of Public Health  
Office of General Counsel  
250 Washington Street  
Boston, MA 02108

STATE OF MICHIGAN-INGHAM COUNTY  
We certify that the foregoing is a true  
copy of the original on file in the office  
of the Department of Community Health  
Bureau of Health Professions

RECEIVED

APR - 6 2004

## ATTACHMENT A

### COMMONWEALTH OF MASSACHUSETTS BOARD OF REGISTRATION IN NURSING

#### Random Urine Testing Information Sheet

- I. Random supervised urine tests are to include, but are not limited to, each of the following substances:
  - Ethanol
  - Amphetamines
  - Barbiturates
  - Benzodiazepines
  - Cannabinoids
  - Cocaine (metabolite)
  - Opiates:
    - Codeine
    - Morphine
    - Hydromorphone
    - Hydrocodone
    - Oxycodone
  - Phencyclidine
  - Methadone
  - Propoxyphene
  - Meperidine
- II. Laboratory criteria and expectations regarding specimen collection are to demonstrate compliance with the following:
  - 1) Urinalysis is to be conducted by a laboratory that is licensed by, or meets the licensure requirements of, the Massachusetts Department of Public Health (DPH). The laboratory must have demonstrated expertise in chain of custody and confidentiality procedures.
  - 2) Specimen collection shall be random, that is unpredictable in scheduling, which establishes credibility of the specimen.
  - 3) Specimen collection shall be supervised, that is observed, witnessed or otherwise assured as valid by a temperature check. This process ensures that urine has not been altered, tampered with, substituted or diluted.
- III. The results of each urine test must be mailed directly from the testing agency to the Massachusetts Board of Registration in Nursing. The Licensee shall be responsible for payment for any and all testing.
- IV. The urine drug testing service must be approved by the Massachusetts Board of Registration in Nursing. National Confederation of Professional Services, Inc. (NCPS) is the only approved provider of urine drug testing services for the Massachusetts Board of Registration in Nursing. To contact NCPS, call: 1-800-948-8589.

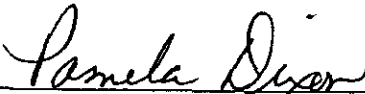
STATE OF MICHIGAN-INGHAM COUNTY  
We certify that the foregoing is a true  
copy of the original on file in the office

On April 30, 2004, Affiant received certified records of final adverse administrative action indicating that Respondent has been disciplined in the state of Georgia pursuant to a Consent Order issued on January 18, 2001; an Amended Consent Order issued on March 15, 2002; and a Voluntary Surrender issued on May 15, 2003.


Upon checking the Department's records relative to Michigan licensure, Affiant learned that Respondent is licensed to practice as a registered nurse in the state of Michigan.

Affiant has not been notified by Respondent of the January 18, 2001; March 15, 2002; and May 15, 2003, disciplinary actions in the state of Georgia, nor the January 29, 2004, disciplinary action in the state of Massachusetts.

Further Affiant saith not.

  
Pamela Dixon

Subscribed and sworn to before me  
this 10<sup>th</sup> day of August, 2004



Nancy C. Lyon, Notary Public  
Ionia County, Michigan  
Acting in Ingham County  
My Commission expires February 21, 2007

This is the last and final page of the Affidavit of Pamela Dixon in the matter of Craig Donahue Smart, R.N., File Number 47-04-94343, before the Disciplinary Subcommittee of the Michigan Board of Nursing, consisting of two pages, this page included.

KMC